IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1049 OF 2006
WITH
CIVIL APPLICATION NO.1756 OF 2006
IN
SECOND APPEAL NO.1049 OF 2006

Nivrutti Vithal Ranshur
since deceased through LRs
Satyabhamabai N.Ranshur & Ors. .. Appellants.
Vs.
Rangnath Sakharam Gorane
since deceased through LRs
Kamalabai R.Gorane & Ors. .. Respondents.

Mr.S.A.Sawant for the appellants.
Mr.R.J.Mane for the respondents.

CORAM : D.B.BHOSALE, JJ.
DATED : 1ST AUGUST, 2007.

P.C.:

. Heard learned counsel for the parties.

2. This appeal challenges concurrent findings of fact recorded by the courts below by which a suit filed by the appellants-plaintiffs for declaration and injunction stands dismissed. Mr.Sawant, learned counsel for the appellants vehemently submitted that after holding the plaintiff as owner of the suit land bearing Gat No.188 the courts below ought to have granted injunction restraining the respondent-defendant from obstructing the plaintiff from installing electric motor and taking water from the well situated in the said land. I perused the

plaint so also the judgments impugned in the instant

appeal. It appears, a declaration that the plaintiff is the owner was sought in respect of the land bearing Gat No.188, while the well in dispute is in Gat No.186. As a matter of fact the Appellate Court has observed in paragraph 24 that there is no evidence of obstruction. In view thereof the only submission advanced by Mr.Sawant, learned counsel for the appellants cannot and need not be entertained. Both the courts below after having considered the entire evidence have recorded the concurrent findings of fact which, in my opinion, warrant no interference in this second appeal. No substantial question of law is raised. The appeal is, accordingly, dismissed. Consequently, the civil application is also disposed of.

(D.B.BHOSALE, J.)